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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/024,441 | 12/18/2001 | Ram Gopal Lakshmi Narayanan | 005288.00020 | 3297 |

| 22907 | 7590 | 06/16/2005 |
|---|---|---|

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| EXAMINER |
|---|
| MEUCCI, MICHAEL D |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2142 | |

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

| | Application No. | Applicant(s) |
|---|---|---|
| **Office Action Summary** | 10/024,441 | LAKSHMI NARAYANAN, RAM GOPAL |
| | Examiner | Art Unit | |
| | Michael D. Meucci | 2142 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *22 March 2005*.

2a)☐ This action is **FINAL**.     2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-26* is/are pending in the application.

    4a) Of the above claim(s) *9-18* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8 and 19-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *11 March 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *5/22/02, 5/19/03*.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____ .

## DETAILED ACTION

### *General*

1.      Page citations in the Internet Draft documents will cite the page as

shown in the intended heading of each page since several versions of the

document are available (example: [Page 14] will be cited even though a

citation is on "Page 11 of 14").

### *Specification*

2.      Applicant is reminded of the proper language and format for an abstract of the

disclosure.

The abstract should be in narrative form and generally limited to a single

paragraph on a separate sheet within the range of 50 to 150 words.  It is important that

the abstract not exceed 150 words in length since the space provided for the abstract

on the computer tape used by the printer is limited.  The form and legal phraseology

often used in patent claims, such as "means" and "said," should be avoided.  The

abstract should describe the disclosure sufficiently to assist readers in deciding whether

there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information

given in the title.  It should avoid using phrases which can be implied, such as, "The

disclosure concerns," "The disclosure defined by this invention," "The disclosure

describes," etc.

### *Claim Rejections - 35 USC § 112*

3.      The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

4.      Claims 8 and 26 rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.  The use of "comprises" and "consisting" on line 2 of

each claim makes the claim indefinite since "comprises" is open-ended and "consisting"

is closed-ended.  Examiner suggests amending to disclose: --pre-established server

selection criterion comprises at least one of a round-robin selection, a first-in-first-out

selection, etc.--.  Correction is required.

### *Claim Rejections - 35 USC § 103*

5.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.      Claims 1, 5-8, 19 and 23-26 rejected under 35 U.S.C. 103(a) as being

unpatentable over Tuexen et al. ("Requirements for Reliable Server Pooling")

hereinafter referred to as Tuexen, in view of Aull (U.S. 6,898,710 B1).

        a.      As per claims 1 and 19, Tuexen teaches: A method for providing

application service to a client, the client operating in conformance with aggregate

access server protocol (ASAP) said method comprising the steps of: requesting access

to an application via a proxy pool element (paragraph 3 on [Page 7]); registering said

application with said proxy pool element (paragraph 1 under section (a) on page

[Page4], paragraphs 1 and 2 under section 4 on [Page13]); and selecting a  server to

provide said application to the client (section 5 on [Page 7]).

Tuexen does not explicitly teach: legacy applications and legacy servers.

However, Aull discloses: "In current systems a user may attempt to access a legacy

application 30 on legacy server 32 from a client's platform 24," (lines 50-52 of column

2).  It would have been obvious to one of ordinary skill in the art at the time of the

applicant's invention to utilize legacy applications and legacy servers as the applications

and servers respectively disclosed in Tuexen.  "Legacy applications and servers

typically employ proprietary computer interfaces and custom software clients. These

interfaces and clients typically rely on a simple user ID and password scheme to

authenticate the identity of a user. However, as noted previously, making significant

modifications to these interfaces and clients to work with signature certificates is

generally very expensive," (lines 58-65 of column 2 in Aull).  It is for this reason that one

of ordinary skill in the art at the time of the applicant's invention would have been

motivated to utilize legacy applications and legacy servers as the applications and

servers respectively in the system as taught by Tuexen.

b.      As per claims 5 and 23, Tuexen teaches: "the proxy pool element

comprises an endpoint server operating in conformance with ASAP (paragraph 1 under

section (a) on [Page 4]).

c.      As per claims 6 and 24, Tuexen teaches: the step of selecting a legacy server comprises the step of making a selection based on a pre-established server selection criterion (paragraph 1 under section 5 on [Page 7]).

d.      As per claims 7 and 25, Tuexen teaches: the pre-established selection criterion is based on a policy established by a server administrative entity (paragraph 1 under section 4 on [Page 13]).

e.      As per claims 8 and 26, Tuexen teaches: said pre-established server selection criterion comprises a member of the group consisting of: a round-robin selection, a first-in-first-out selection, transaction count, load availability, and number of concurrently-running applications (paragraph 1 under section 5 on [Page 7] and paragraph 2 under section 5 on [Page 14]).

7.      Claims 2-3 and 20-21 rejected under 35 U.S.C. 103(a) as being unpatentable over Tuexen in view of Aull as applied to claim 1 above, further in view of Callaghan et al. (U.S. 5,737,523) hereinafter referred to as Callaghan.

As per claims 2-3 and 20-21, Tuexen does not explicitly teach: the step of checking a status of said legacy application in response to said step of requesting access to said proxy pool element and wherein, in the selecting step, said legacy server comprises a daemon for providing said legacy applications status to said proxy pool element.  However, Callaghan discloses: "The method is implemented upon an NFS server computer system and includes the steps of receiving a network file system

request from an NFS client, determining whether the NFS client has an access status

sufficient to perform the NFS request," (line 64 of column 2 through line 2 of column 3).

It would have been obvious to one of ordinary skill in the art at the time of the

applicant's invention to check a status of the legacy application in response to

requesting access to the legacy application and have the legacy server comprise a

daemon for providing the legacy application status to the proxy pool element. Checking

the status allows for: "performing the NFS request when the NFS client has sufficient

access status," (lines 2-3 of column 3 in Callaghan). It is for this reason that one of

ordinary skill in the art at the time of the applicant's invention would have been

motivated to check a status of the legacy application in response to requesting access

to the legacy application and have the legacy server comprise a daemon for providing

the legacy application status to the proxy pool element in the system as taught by

Tuexen and Aull.


8.      Claims 4 and 22 rejected under 35 U.S.C. 103(a) as being unpatentable over

Tuexen in view of Aull and Callaghan as applied to claim 3 above, further in view of

Yamamoto (U.S. 6,816,860 B2)

As per claims 4 and 22, Tuexen does not explicitly teach the daemon providing

legacy application status by polling a process table in the legacy server. However,

Yamamoto discloses: "FIG. 2 shows an example of communication resource

management data according to this embodiment. For each communication processing

device 10, a resource management table 27 contains settings indicating failure

information, activity information, and operations information," (lines 7-12 of column 2). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have the daemon provide legacy application status by polling a process table in the legacy server. "The resource load management process module 26 and the distributing client 3 checks to see when the information should be retrieved," (lines 23-26 of column 7 in Yamamoto). Looking up an application status in a table is very well known in the art at the time of the applications invention. It is for these reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to have the daemon provide legacy application status by polling a process table in the legacy server in the system as taught by Tuexen, Aull, and Callaghan.

## Conclusion

9.      The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Heath et al. (U.S. 5,553,239) discloses management facility for server entry and application utilization in a multi-node server configuration.

Begley et al. (U.S. 6,360,246 B1) discloses report generation architecture for remotely generated data.

Yamada et al. (U.S.6,415,313 B1) discloses communication quality control system and status identification on network servers.

Mukaiyama et al. (U.S. 6,631,407 B1) discloses device management network system.

Turina et al. (U.S. 6,826,198 B2) discloses signaling transport protocol extensions for load balancing and server pool support.

Kraft et al. (U.S. 6,832,239 B1) discloses system for managing network resources.

Sears et al. (U.S. 2002/0026507 A1) discloses browser proxy client application service provider interface.

Vandewalle et al. (U.S. 2002/0082847A1) discloses automatic client proxy configuration for portable services.

Peng (U.S. 2002/0152229 A1) discloses concurrent server architecture.

Leveridge et al. (WO99/00958) discloses authentication server and server status.

10.     Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Meucci at (571) 272-3892.  The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia, can be reached at (571) 272-3880.  The fax phone number for this Group is (703) 872-9306.
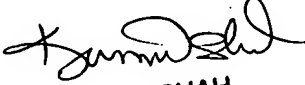
Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [michael.meucci@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a

possibility that sensitive information could be identified or exchanged unless the record

includes a properly signed express waiver of the confidentiality requirements of 35

U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published

in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG

89.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

KAMINI SHAH
PRIMARY EXAMINER